

19 INTERSTATE COMPACT FOR JUVENILES AND TRAVEL PERMITS

OVERVIEW OF CHAPTER CONTENTS

PRIMARY TOPICS COVERED IN THIS CHAPTER (READ ACROSS)

- Overview
- ICJ Personnel
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- Out-of-state travel for court appearance
- ICJ Definitions
- Channels of Communication
- Wisconsin as Sending State
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- ICJ Youth in Wisconsin Escapees/Absconds

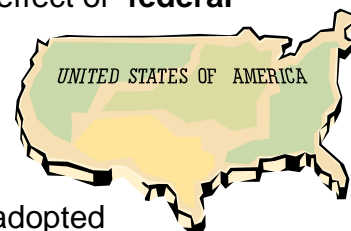
FORMS DISCUSSED IN THIS CHAPTER

- Form VIII Home Evaluation Report/Reply to Case Transfer Request (DOC-9007)
- Quarterly Progress or Violation Report (DOC-9008)
- Form IV Parole or Probation Investigation Request (DOC-9004)
- Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State (DOC-9005)
- Form II Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent (DOC-9002)
- Notice of Release/Transfer of Youth to Community Supervision (DOC-1627)
- Progress Summary (DOC-1941)
- Violation Report (DOC-1783)
- Form IA-VI Application for Services and Waiver (DOC-9001A)
- Form III Consent for Voluntary Return of Runaway, Absconder or Escapee (DOC-9003)
- Form VII ICJ Travel Permit (DOC-9009)
- Victim Notification Supplement (DOC-2636)

Forms in the list above are available on MyDOC. Only the Progress Summary (DOC-1941) must be entered into JJIS.

OVERVIEW OF INTERSTATE COMPACT FOR JUVENILES

The Interstate Compact for Juveniles (ICJ) has the force and effect of **federal law**. The ICJ assists states in the **return of youth who run away, escape or abscond across state lines**. It also provides for the **cooperative supervision of juvenile probationers and parolees between states**.



Currently, a new Interstate Compact for Juveniles has been adopted

by 45 states, one territory (U.S. Virgin Islands), with the other five (5) states, the District of Columbia and four territories (American Samoa, Guam, Northern Mariana Islands and Puerto Rico) operating under the 1956 Interstate Compact on Juveniles.

WISCONSIN STATUTES

In **Wisconsin**, the ICJ is contained in s.938.999, Wis. Stats. The cooperative **supervision portion** of the ICJ covers youth on **county probation, county aftercare and state aftercare**. Wisconsin Statutes do not use the term “parolee” for a youth on community supervision following a period of confinement in a JCI. Only youth on **aftercare, not type 2 status, can be sent from Wisconsin to another state under the ICJ**.

VARIATIONS IN STATE LAWS

Laws vary from state to state. When the laws of the sending state pertaining to juvenile court jurisdiction differ from the receiving state, the ICJ directs that the **laws of the sending state control**.

State laws may define and use a term such as “juvenile” differently. For purposes of the ICJ, **persons in Wisconsin under a commitment of a juvenile court are covered by the ICJ**. Therefore, an individual under DJC supervision could be supervised out-of-state under ICJ even if more than 18 years of age.

CONFLICTS WITH ICJ AND STATE STATUTES

Whenever state laws conflict with provisions of the ICJ, the **ICJ supersedes the state laws**.

QUESTIONS ABOUT APPLICABILITY OF A LAW

If you have any questions or concerns about which law applies, please contact your supervisor or the Compact Coordinator.

DJC STAFF RESPONSIBILITIES

This chapter deals with youth on state supervision/aftercare and out-of-state youth being supervised in Wisconsin under ICJ. It also describes the **duties of the DJC Agent, Compact Administrator, and ICJ Coordinator**. DJC agents have the responsibility to directly supervise ICJ youth who are eighteen years or older.

ICJ DEFINITIONS

“Absconder” means a youth on DJC aftercare who hides, conceals or absents himself or herself with the intent to avoid legal process or authorized control.

“Compact Administrator” means the person appointed by the Governor who oversees his or her State’s ICJ operations. If the Governor does not appoint a Compact Administrator, the duties fall to the Secretary of Corrections or other employee designated by the Secretary.

“Cooperative Supervision” means the delivery of services to a youth by a receiving state, including the provision of quarterly progress reports to the sending state.

“Coordinator means the person responsible for handling specific duties relating to the compact and under the supervision of the ICJ Supervisor and Compact Administrator.



“Escapee” means a youth who has made an unauthorized flight from a facility to which he or she has been committed by a court.

“Juvenile” means any person within the juvenile jurisdictional age limit of any court in the home/sending state, or any individual adjudicated delinquent within the home/sending state and who remains under custodial care of community supervision of the juvenile authority.

“Parolee” means a youth conditionally released from an institutional setting, training school or correctional type facility, or is a delinquent ward on conditional release.

“Probationer” means a youth placed on supervision by a court who is permitted to remain in the community under the supervision of a court, designated person or agency.

→ “Sending State” means the state with court jurisdiction that sends a youth to another state for supervision under the provisions of ICJ.

← “Receiving State” means the state in which a youth is placed by another state for supervision or the state that has been requested to supervise an out of state youth under provisions of ICJ.

ICJ PERSONNEL

COMPACT ADMINISTRATOR

Governors, under the authority of the ICJ, **appoint the Compact Administrator.**

The Compact Administrator is responsible for:

- Acting as a communicator with all other states and jurisdictions
- Assuring continuing cooperation and resolution of any problems that may arise
- Assuring consistent interpretation of the ICJ rules and regulations.

RESPONSIBILITIES OF ICJ COORDINATOR

The ICJ Coordinator has the responsibility for coordinating and providing policy direction in the statewide implementation of the Interstate Compact for Juveniles .

INTERSTATE COMMISSIONER

Appointed by the Governor, the Interstate Commissioner represents Wisconsin in the National Interstate Commission for Juveniles.

INTERSTATE COMMISSION

Made up of a representative from each signatory state, the Interstate Commission promulgates rules governing the Compact, resolves disputes, assures compliance and collects data.

CHANNELS OF COMMUNICATION

All **communication** between states on ICJ matters should be done **between the ICJ offices** for the states involved. There should be **no communication between DJC agents and supervising workers or ICJ offices in other states** unless specifically authorized by the Wisconsin ICJ office. This applies to written and verbal communication.

WISCONSIN AS RECEIVING STATE

LEGAL STATUS OF JUVENILE IN WISCONSIN

Legal jurisdiction of a juvenile **may not be transferred across state lines** through ICJ. Therefore, the **sending state retains jurisdiction** over a youth sent to Wisconsin. However, Wisconsin has the authority to act as the sending state's agent to provide cooperative supervision of the youth.

The youth sent to Wisconsin must be on probation, parole, consent decree, or under the equivalent of a JIPS order as defined by the ICJ. DJC agents have the responsibility to directly supervise ICJ youth who are eighteen years or older on supervision from other states (probation and parole cases.)


Assignment of Cases from Other States


Assignment depends on the county a youth will be living in and the age of the youth

- County/State aftercare: If a county provides its own aftercare, it also provides ICJ supervision of youth from other states (except as noted below). State agents provide ICJ supervision in state aftercare counties.
- Age under/over 18: DJC agents provide ICJ supervision of all youth from other states who are age 18 or older.

REQUEST FOR WISCONSIN TO SUPERVISE

Initiation of Request

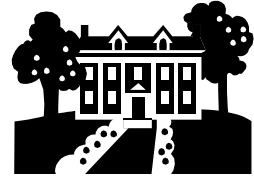
 Requesting state sends referral packet to Wisconsin ICJ Office. [see required contents of referral packet in the following chapter sub-part "Wisconsin as Sending State"]

-  ICJ Coordinator forwards paperwork within **5 working days** to the appropriate DJC community corrections (field) supervisor who assigns an agent to conduct the Home Evaluation required by the ICJ.

HOME EVALUATION BY DJC

Purpose

The ICJ recommends that a Home Evaluation be conducted **prior to transfer of the youth to the receiving state**. In reality, often times the youth has already gone to the receiving state. While this is not desirable, it does happen.



Purposes include:

- To ensure the appropriateness of the requested placement
- To assess the ability of the parent or guardian to supervise the youth in the home
- To assess the attitude of the parent or guardian at the proposed placement regarding the youth's situation
- To determine the availability of necessary community resources in the area

Information Gathered

- Home Visit: agent visits the proposed placement, and meets with the parent, relative or legal guardian to obtain the information for the form.
 - ✓ Visit is required even if placement will be with custodial parent(s)
- Review of Referral Packet

Factors to Consider

- Youth's offense history
- If the youth is a sex offender, whether there is a victim or a potential victim in the home
- Availability of appropriate mental health services, etc., in the area and how they will be paid for
- Accessibility to schools, employment, etc.
- For sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance. In the home evaluation report, note if there are local ordinances restricting residence

AGENT RECOMMENDATION

Legal Custodian Lives in Wisconsin

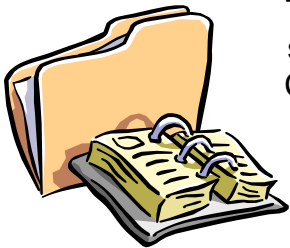
Generally speaking, a Wisconsin agent **cannot reject courtesy supervision** of the juvenile when a parent/legal custodian lives in Wisconsin. He or she makes a recommendation based upon the information known to the agent.

Per ICJ Rule 5-101(5), if the juvenile does have a custodial parent or legal guardian residing in Wisconsin, and does not have a custodial parent or legal guardian remaining in the sending state, supervision shall be accepted.

Legal Custodian Does Not Live in Wisconsin

- If the **legal custodian** does not live in Wisconsin, agent may recommend to the Compact Administrator that the **referral be accepted or rejected**.
- Agent must **provide a valid reason for recommending rejection of the referral**.
- Supervision cannot be denied solely on the basis of the juvenile's age or offense.

SUBMISSION TO THE ICJ COORDINATOR



- DJC agent **completes** and signs the Home Evaluation Report/Reply to Case Transfer Request Interstate Compact for Juveniles. (**DOC-9007**) and submits **3 collated copies or one scanned copy** to the ICJ Coordinator within **30 calendar days after the DJC office has received** the request.
 - **Compact Administrator approves or rejects the placement request.**
- ICJ Rules and Regulations require that the Compact Administrator make every effort to forward to the referring ICJ Office the Home Evaluation Report and the **acceptance/rejection decision within 45 calendar days of originating request**.
- Compact Administrator decides to accept or reject the case based upon the DJC agent's recommendations contained in the Home Evaluation Report and the ICJ Rules and Regulations.
- Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state.

SUPERVISION REQUIREMENTS

- Interstate Commission Rules require that **out-of-state youth** supervised under ICJ in Wisconsin **receive the same supervision and services as Wisconsin youth**.
- **DJC agent must follow case management procedures identified in the CMM including writing an ICP.** [see Chapter 6]

Legal Ability of DJC to Detain an Out-of-State ICJ Youth

Per ICJ Rule 4:104(2), Wisconsin has the legal ability to detain ICJ youth in secure detention or jail if we detain Wisconsin youth under similar circumstances. The youth's signature on the ICJ Form IA/VI (DOC-9001A) provides authorization and indicates an understanding that failure to abide by their rules of supervision may result in imposition of sanctions by the sending or receiving state. This signed form also provides documentation for Wisconsin's authority to request that a youth be taken into custody and detained. [NOTE: Any costs associated with an ICJ detention or sanction that WI imposes is the financial responsibility of WI].

- Contact Standards:
 - Youth on correctional aftercare/parole – 1 face-to-face contact per week.
 - Sex offender youth on correctional aftercare/parole – minimum of one face-to-face contact per week.
 - Youth on local probation orders, not post-corrections – 1 contact per month, with possible increased or decreased frequency as agreed with supervisor.

Under ICJ, fees may not be imposed for supervision of out-of-state youth.

SEX OFFENDER REGISTRATION REQUIREMENTS FOR YOUTH FROM OTHER STATES

In addition to youth adjudicated in Wisconsin, the ICJ youth in Wisconsin must also register during DJC supervision and 15 years after discharge from DJC supervision:

- Any juvenile in Wisconsin on or after May 9, 2000, on supervision from another state under ICJ with an offense comparable to an offense in Wisconsin requiring registration. Registration must occur 10 days prior to entering Wisconsin.
- A youth required to register as a sex offender in another state or registered as a sex offender with the FBI who lives, works or attends school in Wisconsin on or after November 9, 2000.
- A youth found to have committed a comparable sex offense in another jurisdiction who lives, works or attends school in Wisconsin on or after November 9, 2000.
- ICJ Coordinator will forward all sex offender files to be reviewed by SORP for determination of placement on the registry. The agent will be advised of the decision.

See Chapter 22

NEED FOR SPECIAL SERVICES

Role of DJC

If the youth requires **services over and above “standard supervision”** and the family insurance does not cover them, the DJC agent should **contact the Wisconsin ICJ Coordinator** in writing who will ask the sending state for preliminary approval for additional services. The request should include:

- Type of services that DJC is recommending
- Brief summary of why the services are necessary
- Name(s), address(es), and phone numbers(s) of the local service provider

Role of Sending State

Sending state has the authority to decide what services should be provided to the youth. If the sending state approves the request, the sending state will set up payment arrangements directly with the service provider.

The sending state shall be financially responsible for treatment services ordered either by the court or paroling authority when they are not available through the supervision agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.

QUARTERLY PROGRESS REPORTS

- DJC agent must complete Quarterly Progress Reports that include:
 - ☐ Progress Summary (DOC-1941) [*see Chapter 6*]
 - ☐ Interstate Compact for Juveniles Quarterly Progress or Violation Report Form IX (DOC-9008): provide a thumbnail sketch of the youth’s status on supervision.
- Agent sends a scanned copy of the report and additional documentation to the report to the Wisconsin ICJ Coordinator who forwards them to the ICJ office in the sending state.

VIOLATION OF THE CONDITIONS OF SUPERVISION BY YOUTH

Agent Responsibilities

- **Promptly report** the violation IN WRITING to the ICJ Coordinator by forwarding 1 scanned copy of the Violation Report (DOC-1783), Interstate Compact for Juveniles Quarterly Progress or Violation Report Form IX (DOC-9008) and attachments to the Wisconsin ICJ office via e-mail or fax (608-240-3370).
 - ✓ **Violation Report** should clearly describe the DJC agent’s recommended action to the sending state.
 - ✓ The “check boxes” given on the Violation Report form (DOC-9008) may be used for either the violation or quarterly progress report, but more importantly for the quarterly progress report.

- ✓ DJC **agent may recommend** that the juvenile be returned to the sending state for **revocation** proceedings, but the **sending state decides** whether or not to revoke youth's aftercare supervision.
- ✓ The agent may impose graduated sanctions (see Chapter 13) as appropriate, as an alternative to requesting return of the youth to the sending state.
- ✓ Attach any **supporting documentation** to the Violation Report such as urinalysis reports, police reports, petitions, criminal complaints, or CCAP printouts.
- ✓ If the juvenile is alleged to have violated a criminal law, **write out the description of the charges** rather than providing the statute sections; e.g., write "Sexual Assault, 2nd Degree" rather than only stating, s. 940.225(2), Stats.
- ✓ Coordinate the filing of new charges in Wisconsin, if appropriate.
- * If the matter **requires immediate attention, fax or scan the Violation Report and attachments** to the ICJ Coordinator. The ICJ Coordinator cannot request action by the sending state without WRITTEN DOCUMENTATION of the violation and the agent's recommendation.

Role of ICJ Coordinator

The ICJ Coordinator transmits the Violation Report to the sending state's ICJ office. The matter is forwarded on to the out of state agent who decides how to proceed.

Role of Sending State

Sending state ICJ Office provides Wisconsin ICJ Office with a decision regarding the agent's recommendation for early discharge or termination of supervision upon the juvenile's expiration date.

TERMINATION OF/OR DISCHARGE FROM SUPERVISION

Legal Authority

Only the sending state has the legal authority to terminate supervision. Wisconsin cannot release an ICJ youth from supervision until it receives authorization from the sending state. **EXCEPTION:** when a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court in the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.

DJC Recommendation

If a DJC agent believes that an out-of-state youth has complied with all terms of supervision, the DJC agent may recommend to the sending state that they authorize release from supervision.

- **Early Discharge**

- ✓ DJC agent may recommend early discharge by completing and sending a **progress report, in triplicate**, or a scanned copy, to the ICJ Coordinator detailing the youth's compliance with his or her conditions of supervision along with a recommendation for early discharge.
- **Expiration of Supervision Order**
 - ✓ DJC agent completes a **progress report, in triplicate**, and sends it to the ICJ Coordinator **at least 30 days prior to the supervision expiration date** including an inquiry to the sending state as to whether the agent may discontinue supervision of the youth upon expiration of the order.
 - ✓ **Alternative:** DJC agent may elect to **notify the sending state, through the ICJ office, that supervision will be discontinued unless informed by the sending that supervision should be continued.** If the agent in the sending state wants to continue supervision, this puts the responsibility on the sending state's agent to inform Wisconsin to continue supervision.

Role of ICJ Coordinator

ICJ Coordinator forwards the agent's request to the sending state's ICJ Office who forwards it to the supervising agent in the sending state.

WISCONSIN AS SENDING STATE

LEGAL STATUS OF WISCONSIN JUVENILE

Aftercare Supervision

A DJC youth **must be on aftercare status prior to placement in another state** through the ICJ. A juvenile on any **Type 2 status** (SJO, CSP or Type 2 RCC) **may not be placed** in another state.



If a juvenile is in type 2 status, OJOR must issue a Department Order (DOC-1722a) that changes the youth's status to aftercare supervision. [see Chapters 5 & 10] SJO youth must have completed 2 years in the program before OJOR can release them to aftercare, in accordance with s. 938.538(5), Stats. [see Chapter 7]

Legal Jurisdiction

Legal jurisdiction of a juvenile **may not be transferred across state lines** through ICJ. Wisconsin retains jurisdiction over a youth sent to another state. However, the receiving state has the authority to act as Wisconsin's agent to provide cooperative supervision of the youth.

The ICJ cannot be used to request supervision in a U.S. state or territory that is not a signatory member of the compact, or in any foreign country. If placement of a youth in a

non-signatory state or territory is being considered, consult the ICJ Coordinator to see if temporary special rules apply that would allow the supervision request to be made.

DJC AGENT INITIATES AN ICJ REFERRAL

The agent should initiate the process by submitting the **referral packet** (described below) to the ICJ Coordinator **at least 90 days prior** to the youth's anticipated **release date from the JCI or departure from the state**.

ICJ DOCUMENTS IN REFERRAL PACKET

Cover Letter Containing the Following

- Brief statement of **why a placement out of state** under the ICJ is appropriate.
- Information about the prospective **placement** including:
 - ✓ Whether the youth's parent or legal guardian resides in the receiving state
 - ✓ Whether placement in the home of the youth's parent or legal guardian is appropriate.
 - ✓ Whether the youth wishes to receive post-secondary education in the receiving state
- **Summary of the court order, rules of supervision, and special treatment needs or service requirements.**
- Information alerting the receiving state if the youth is a sex offender and whether or not the youth is required to register with SORP in Wisconsin.
- Anticipated **date for release from supervision**.

Form IV Interstate Compact for Juveniles Parole or Probation Investigation Request (DOC-9004)

- Complete in MyDOC including your name on Form IV which serves as a cover sheet listing the required documents included in the referral packet.
- Form IV is the legal document that **asks the receiving state to investigate** the possibility of supervising a DJC youth in their state.
- Under the section entitled "**Reason for Adjudication**", the DJC agent should write out the criminal violations that resulted in the delinquency findings rather than simply listing the statute sections. The agent in the receiving state will not be able to understand Wisconsin statutory cites.

Form IA-VI Interstate Compact for Juveniles Application for Services and Waiver (DOC-9001A)

- **Section IA:** Application for Compact Services **requesting the transfer of supervision** of a Wisconsin youth to another state.

- **Section VI: Memorandum of Understanding and Waiver:**
 - ✓ Details where the youth will live and with whom
 - ✓ Establishes the terms of a legal and **binding contract** between Wisconsin, the receiving state, the youth, and the youth's parent or legal guardian.
- **Signature of legal authority:** Judge must sign form when the youth is on supervision (probation). Compact administrator must sign form when the youth is on aftercare (parole).
- **Signature of youth:** Youth needs to sign Form IA-VI prior to actual placement. Without the youth's signature, it could be more difficult to return a youth to Wisconsin if he or she violates the terms of supervision resulting in revocation of aftercare.
 - ✓ If the youth is in Wisconsin at the time the agent completes Form IA-VI, he or she should obtain the youth's signature before submitting the form to the ICJ office.
 - ✓ In the event that the youth is in the receiving state when the agent completes the form, he or she can submit it to the ICJ office without the youth's signature. The receiving state official who conducts the Home Evaluation can obtain the youth's signature at a later date.
- **Signature of Placement Resource:** It is not necessary for the agent to obtain the signature of the parent or guardian with whom the youth will live prior to submitting the request to the ICJ Coordinator. The receiving state official who conducts the Home Evaluation can obtain the signature at the time of the home investigation.

DJC REQUIRED DOCUMENTS IN REFERRAL PACKET

- 📄 Petition(s) related to adjudication(s) [see Chapter 3]
- 📄 Signed court order(s) [see Chapter 3]
- 📄 Rules and conditions of aftercare (ICJ uses term parole for WI. aftercare) contained in DOC-1741. [see Chapter 10]
- 📄 Legal and social history [see Chapters 4 & 6]
- 📄 School information including overview of grades, attendance, progress reports, etc. available in JJIS. [see Chapter 7]
- 📄 Arrest reports
- 📄 Medical or psychological information (if available in the DJC agent's file)
- 📄 Any supplemental information regarding the youth that could assist the receiving state in evaluating the placement.
- 📄 Provide proof of enrollment in post-secondary education if applicable
- 📄 For sex offender referrals, provide the following additional information/documents when available: Risk Assessment, Arrest Reports, Victim Information, Supervision and Treatment Plan

SUBMISSION OF REFERRAL PACKET TO THE ICJ OFFICE

After assembling the referral packet, the DJC agent makes **3-collated sets** or scans one copy of the packet, **one of which includes the originals of Form IA-VI and Form IV**. He or she forwards or e-mails the packet to the ICJ Office, located in Central Office in Madison, **to the attention of the ICJ Coordinator**.

RESPONSIBILITIES OF WISCONSIN ICJ OFFICE UPON RECEIVING REFERRAL PACKET

The Wisconsin ICJ Office **reviews the packet** to make sure that all **necessary documentation is included** and all **forms are completed properly**.

The **original and one copy of the packet are sent to the compact official** in the receiving state. A copy is retained at DJC Central Office.

ACTION BY RECEIVING STATE UPON RECEIVING REFERRAL PACKET

- **ICJ official** in the receiving state contacts the appropriate supervising agency and **requests a Home Evaluation that is due** to the receiving state's ICJ office within **30 calendar days** from the date of the request.
- ICJ requires states to make all **reasonable efforts** to have the Home Evaluation **Report completed within 45 calendar days of the referral** by the sending state.
- Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receive state.
- If the legal custodian **does not live in the receiving state, the receiving state may reject** a referral, but must provide Wisconsin with a valid reason. **Supervision cannot be denied solely on the basis of the juvenile's age or offense**. Only the Compact Administrator for the receiving state has the authority to reject or deny a request for supervision.

WHEN REFERRAL ACCEPTED BY ANOTHER STATE**ICJ Coordinator's Responsibilities**

Receiving state sends the Home Evaluation Report to the Wisconsin ICJ Coordinator who **forwards the report to the DJC agent**.

Agent's Responsibilities

- **Home Evaluation Report contains the final approval or rejection** from the receiving state.
 - ✓ If the DJC agent does not think that the receiving state's recommended placement is appropriate, the agent may refuse to allow the youth to go to the other state.

- ✓ In the event that the youth does not go to that state, the DJC agent must notify the Wisconsin ICJ office in writing.
- When the DJC agent approves the receiving state's placement recommendation, he or she **determines the youth's arrival date and coordinates travel arrangements** with the youth's parent, guardian, or placement resource in the receiving state.
- DJC agent confirms with ICJ Coordinator if youth is a sex offender, whether registration is required in receiving state
- DJC agent **completes** the Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State (**Form V, DOC-9005**) and **scans** it to the Wisconsin ICJ **Coordinator at least 5 working days prior to the youth's arrival in the receiving state.**

NOTICE OF RELEASE/TRANSFER

- ✓ For DJC youth who are being released from a Juvenile Correctional Institution to supervision out of state, it is the responsibility of the DJC agent to send the Notice of Release/Transfer of Youth to Community Supervision (DOC-1627) to the DJC Interstate Compact Coordinator. [see chapter 12]
- ✓ The DJC agent must send a copy of this form to the local authority in the receiving state, via the ICJ Coordinator, in order to comply with s.938.51.
- DJC agent provides the **youth with a copy** of this form so he or she has the reporting instructions.

WHEN REFERRAL REJECTED BY ANOTHER STATE

When placement of a youth with a person entitled to legal custody is not recommended in the receiving state, ICJ rules permit the sending state to proceed with the placement despite the concerns of the receiving state. When such a rejection is received, the WI ICJ office will immediately forward the information to the WI agent. The agent shall review the concerns of the receiving state. Upon review, if any additional information can be provided to the receiving state (for example, alternative contact information or placement resource), the agent may submit to the ICJ Coordinator. If and when additional information is provided, the ICJ Coordinator would submit to the receiving state's ICJ office for further review. However, if the agent is unable to address the receiving state's concerns, the agent shall look into alternative placement options for the youth.

RESPONSIBILITIES OF DJC WHEN YOUTH IS IN ANOTHER STATE

Legal Authority

Wisconsin **maintains juvenile court jurisdiction and ultimate responsibility** for decisions about the youth's supervision, including recommendations for revocation. The DJC agent should receive specified documents from the receiving state:

Quarterly Progress Reports

- **Agent in the receiving state is required to provide** Quarterly Progress Reports to DJC on how the youth is doing on supervision.
 - ☐ Progress Summary on form determined by receiving state
 - ☐ Interstate Compact for Juveniles Progress Report Cover Sheet (DOC-9008) to provide a thumbnail sketch of the youth's status on supervision.
- Receiving state ICJ Office sends the report to the Wisconsin ICJ Coordinator who forwards it to DJC agent

VIOLATION REPORT

Receiving State Responsibilities

Each receiving state will assume the duties of visitation and supervision over any delinquent juvenile, including juvenile sex offenders who it has accepted for cooperative supervision and in exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own juveniles released on probation and parole.

Agents may impose graduated sanctions upon any juvenile transferred under the compact if such standards are also applied to its own delinquent juveniles.

If a Wisconsin **youth violates his or her rules** of aftercare (referred to as "parole" in ICJ), the **agent in the receiving state** will:

- **Document the details** of the violation in writing
- Make a statement concerning **whether the agent recommends that the youth be returned** to the Wisconsin for revocation proceedings
- Scan the violation **report and supporting documentation to the ICJ Coordinator in their state** who forwards it to Wisconsin's ICJ Office so the Coordinator can send it to the DJC agent.
- Asks the sending state to impose graduated sanctions or revocation of youth's supervision.

DJC Agent/Supervisor Responsibilities

DJC agent, in consultation with the supervisor, decides whether to pursue revocation or recommend other sanctions. [see Chapter 17]

Return of Juveniles whose ICJ Placement has Failed

If it is determined necessary to return a juvenile whose placement has failed to the sending state and the ICJ Application for Compact Services and Memorandum of Understanding and Waiver form (DOC-9001A) has the appropriate signatures, no further court procedures will be required for the juvenile's return. The ICJ pre-signed voluntary waiver provides the due process requirements for this return.

TERMINATION OF OR DISCHARGE FROM SUPERVISION

Legal Authority

Generally, only **Wisconsin**, as the sending state, **has the legal authority to terminate supervision**. If the out-of-state worker believes that a youth has complied with all terms of supervision, the **out-of-state worker may recommend** that Wisconsin authorize discharge from supervision. **EXCEPTION: when a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court in the receiving state and the adult sentence is longer than the juvenile sentence.** In such cases, the receiving state may close the ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.

Early Discharge

- Out-of-state agent may recommend early discharge by submitting a **report to that state's Compact Administrator detailing compliance** with the youth's condition's of supervision along with a recommendation for early discharge.
- Compact Administrator from the other state forwards the report and recommendation to Wisconsin's ICJ who sends it to the DJC agent.
- Early release request from other state:
 1. Agent talks to supervisor and develops a recommended response to receiving state.
 - A. Agree with early release:
 - a. Prepare an Administrative Discharge request, and send to OJOR Director for consideration by Division Administrator.
 - B. Disagree with early release:
 - a. Prepare written justification for why supervision should be continued and submit to ICJ Compact Coordinator.
 2. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation, or,
 3. If the request to close has been denied, the WI agent will provide a written explanation, via ICJ Coordinator, to the receiving state within 60 days, as to why the youth cannot be released from supervision/aftercare. Failure by the sending state to respond within 60 days may allow the receiving state to close the ICJ case.

Expiration of Supervision Order

- Receiving state **may elect to notify** Wisconsin that **they will discontinue supervision** when the current term of supervision expires **unless informed otherwise** by Wisconsin.
- If the **DJC agent wants to continue supervision**, it is the responsibility of the DJC agent to **inform the receiving state** to continue supervision based on the extension of the youth's court order.
- All communications should go **through the Wisconsin ICJ Office**.

EXTENSION OF SUPERVISION REQUESTS

Agent Pursues Extension

If the DJC agent wants to extend the period of supervision for a youth being supervised out-of-state, the DJC agent must follow the proper extension procedures. [see Chapter 9]

Copy of Extension Order

A copy of the **Extension Order** from the court should be sent to the receiving state through the **Wisconsin ICJ Office**. No further action is required to continue ICJ supervision because the receiving state may not terminate supervision without Wisconsin's permission.

Role of Sending State

Sending state ICJ Office provides Wisconsin ICJ Office with a decision regarding the agent's recommendation for early discharge or termination of supervision upon the juvenile's expiration date.

NOTICE OF RELEASE OF YOUTH FROM COMMUNITY SUPERVISION

For DJC youth who are being released/discharged from Community Supervision out of state, it is the responsibility of the DJC agent to send the Notice of Release of Youth from Community Supervision (DOC-1626) to the DJC Interstate Compact Coordinator. [see chapter 12]

The DJC agent must send a copy of this form to the local authority in the receiving state, via the ICJ Coordinator, in order to comply with s.938.51.

VICTIM NOTIFICATION

The responsibility for victim notification rests with the sending state and is subject to the laws of that state.

For DJC youth who are being supervised out of state, it is the responsibility of the DJC agent to comply with the Wisconsin victim/witness notification requirements. [see chapter 11]

TRAVEL PERMITS

The following procedures apply to all DJC youth (not only youth under ICJ supervision)

ICJ TRAVEL PERMIT POLICY AND PROCEDURE

The DJC agent must complete an Interstate Compact for Juveniles Out of State Travel Permit and Agreement to Return (**DOC-9009**) and submit it to the Wisconsin ICJ Coordinator **if one of the following is true:**

- Youth will be out of state for more than 48 hours
- The maximum length of stay shall not exceed 90 days
- If travel permit exceeds 30 days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with their agent.

Regardless of length of stay, youth was adjudicated for one of the following:

- Sex-related offenses;
- Violent offenses that have resulted in personal injury or death;
- Offenses committed with a weapon;
- Juvenile committed to state custody

The youth and parent/guardian sign the form to indicate their agreement to cooperate with rules of supervision during travel.

Travel Permits/Sex Offender Registration for Sex Offenders Traveling Out of State

- **Travel permits (DOC-9009) for sex offenders, as for all permits, must be submitted to the ICJ Coordinator PRIOR to travel.**
- **The agent must scan the form to the ICJ Coordinator. The agent must note on the travel permits that the youth is a sex offender, the specific offense youth was adjudicated for, and whether or not the youth is required to register in Wisconsin.**
- **The ICJ Coordinator, in addition to scanning the travel permit to the other state's ICJ office, will call the ICJ office and advise them of the sexual offense the youth was found delinquent of and whether or not the youth is registered in Wisconsin. He/she will ask whether a youth who has committed a sexual offense (example 4th degree sexual assault) that does not require registration in Wisconsin must register in the other state. He/she will confirm whom we should contact in the other state. He/she will then relay that information back**

to the agent. The agent will provide any special instructions regarding reporting, restrictions, etc., to the youth.

Length of Stay

- For the purpose of testing a proposed placement, the permit shall not exceed 90 days, with a referral packet submitted within 30 days of the effective date of the travel permit.
- For the purpose of visit/vacation, the permit shall not exceed 90 days.


Content of Permit: Permit must contain instructions **requiring the youth to return to Wisconsin.**

Signatures Required: All travel permits must be signed by the juvenile, probation/parole agent, and agent's supervisor.

Travel Permit is NOT required when the juvenile will be traveling with supervising agent, counselor, etc. However, a permit may be submitted to obtain the juvenile's consent to return should he/she go AWOL during the travel.

Travel Permit is NOT required if a juvenile receiving courtesy supervision in Wisconsin returns to his/her home/sending state to **reside**. Form IA VI covers this movement and the ICJ office must be notified. However, if the juvenile is going to the home/sending state for a visit and is expected to return to Wisconsin, a permit is required. Agent should consult the youth's file to determine if victim notification is required – see below.

Note: Please consult with the ICJ Coordinator to see if temporary special rules apply for the vacation/visit being requested.

 **Special Situations:** Travel Permit can be used to test an ICJ placement. If a DJC agent believes a particular case warrants a test placement, he or she should contact the ICJ Coordinator to determine the feasibility of the test placement.

VICTIM NOTIFICATION

When a travel permit is being issued, responsibility for victim notification rests with the sending state in accordance with the laws and policies of that state. The sending and receiving state will collaborate to assure that the legal requirements of victim notification are met and that the necessary information is exchanged to meet the sending state's obligation. [DJC agent may use the optional form, DOC-2636, Victim Notification Supplement]

RETURN OF DJC ESCAPEES AND ABSCONDERS

OVERVIEW

ICJ governs the **return of absconders and escapees to state**. For purposes of this section, “**home state**” will **where the youth is under supervision**. “**Holding “asylum state”** will mean the **state that has physical** youth.



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APPREHENSION OF DJC ESCAPEES AND ABSCONDERS OUTSIDE OF WISCONSIN

Applicability

A DJC youth who is on supervision in Wisconsin absconds from aftercare or escapes from a JCI or Type 2 supervision to another state.

Apprehension in Another State

A Wisconsin juvenile may be apprehended in one of two ways:

- Juvenile is picked up by police in another state
- If the DJC agent knows the whereabouts of the youth, the requisition form described below should contain the location of the juvenile. The judge in the asylum (the other) state will issue an order for the youth to be brought into custody.

Procedures After Apprehension in Another State

- DJC agent is notified that the youth has been apprehended in another state.
- **Juvenile court** in the holding state will schedule a **hearing** to inform the youth of his or her legal right to consent to or to refuse to return to Wisconsin.
- Judge may appoint an attorney for the youth.
- Youth’s decision at the hearing determines whether he or she returns to Wisconsin voluntarily or involuntarily.

Voluntary Return of a Youth to Wisconsin

- When the youth consents in juvenile court in the holding state to return to Wisconsin, the **judge and the youth sign ICJ Form III** Consent for Voluntary Return of Runaway, Absconder or Escapee (DOC 9003).
- Juvenile court judge will order that the youth be returned to Wisconsin or that the youth return unaccompanied.
- **DJC agent’s supervisor determines how the youth will be returned** and whether he or she will be escorted. The DJC field office **bears the responsibility for the costs and arrangements** of returning the DJC youth to Wisconsin.
- When the **ICJ Coordinator-receives the signed ICJ Form III**, he or she will advise **the DJC agent to make arrangements** for the youth’s return to Wisconsin.

- If the youth is not returned to Wisconsin within **5 working days**, the holding state can release the youth. This time period may be extended up to an additional five (5) working days with approval from both ICJ Offices.

Non-voluntary Return of a Youth to Wisconsin: Requisition Procedures

If the **youth refuses to consent to return to Wisconsin**, juvenile **requisition procedures** must be followed which are similar to adult extradition.

- Juvenile court worker in the holding state will notify the holding state's ICJ office of the refusal to consent to return.
- Holding state's ICJ office will contact the Wisconsin ICJ office informing the ICJ Coordinator of the youth's refusal to consent to return.
- Wisconsin ICJ Coordinator will notify the DJC agent of the youth's refusal to sign the consent form.
- **DJC agent fills out an ICJ Form II**, Requisition for Escapee or Absconder/Juvenile Charged with being delinquent (DOC 9002) and submits it to the Wisconsin ICJ Office.
- Requisition is addressed to the juvenile judge in the jurisdiction where the youth is located.
- Compact Administrator signs before a notary the requisition as the Compact Official entitled to the juvenile's return.
- **Two requisitions with original signatures** must be accompanied by **two sets of certified copies of the adjudication, disposition order, and the rules of supervision**. In addition, the packet must include an additional copy that may be photocopied.

Return Procedure

- The Wisconsin ICJ office will forward one original and the photocopied packet to the holding/asylum state's ICJ office and will keep one original copy at the Wisconsin ICJ office.
- Under the ICJ, a youth may be held in **secure detention for up to 90 days pending the completion of the requisition process**.
- If the judge in the holding /asylum state deems that all of the paperwork is in order, the youth will be ordered to return to Wisconsin.
- **DJC Field Office** (agent/agent's supervisor) is responsible for the costs of transportation, for making **transportation arrangements** and for the return of DJC youth to Wisconsin **within five (5) working days**. This time period may be extended up to an additional five (5) working days with approval from both ICJ Offices.
- The ICJ Coordinator will communicate to the holding state the transportation arrangements made by the DJC agent.

Transportation of Youth and Public Safety

- Youth Requiring Escort

Youth who are returned to a home state pursuant to a Requisition Agreement or who are considered to be a risk to themselves or others shall be accompanied on the return by the home state. In other situations, the juvenile may travel without an escort.

- DJC agent may be asked to accompany a juvenile in the following 2 circumstances:

- ✓ Escort DJC juvenile back to Wisconsin who escaped or absconded from Wisconsin to another state
- ✓ Escort an out of state youth to an airport, bus or train station for return to his or her home state.

- Automobile



When transporting a youth by automobile, the DJC agent must comply with **Field Notice #1: Secure Transportation of Youth**. [Field Notices are on MyDOC]

- Airport, bus or train station



- ✓ A DJC agent who is accompanying a youth to an airport or a bus station should take the following steps:
 - ✓ Coordinate the ticketing procedure with the ICJ Coordinator.
 - ✓ Allow sufficient time for check-in (For air travel, arrive at the airport 1 1/2 to 2 hours prior to departure.)
 - ✓ Remove handcuffs/restraints prior to entering airport, bus or train station.
 - ✓ Check all bags and medication.
 - ✓ Provide the youth with a copy of Form III.
 - ✓ Remain at gate until flight/trip is airborne/enroute.
- ✗ Do **not** reschedule a flight without confirmation from the Wisconsin ICJ office.

ICJ YOUTH IN WISCONSIN WHO ABSCOND

ICJ YOUTH IN WISCONSIN

Role of Agent

If a **youth under ICJ supervision in Wisconsin absconds**, the DJC agent must prepare a **Violation Report** (DOC 1783) and **notify the ICJ** Coordinator as soon as possible.

Role of ICJ Coordinator: notify the sending state's ICJ office.

Role of Sending State: Only the state that has jurisdiction has the authority to issue a warrant for the apprehension of the youth.

DJC YOUTH UNDER SUPERVISION IN ANOTHER STATE

If a DJC youth on courtesy supervision in another state absconds, the **ICJ Coordinator will notify the DJC agent that the youth has absconded**. The DJC agent should follow the DJC revocation procedures. [see *Chapter 17*]

OUT-OF-STATE TRAVEL FOR COURT APPEARANCE

When a court in another state issues a summons for a youth in a JCI to appear as a witness in a case, appropriate documentation and procedures should be used to assure that the youth appears as requested and then returns to custody/supervision in Wisconsin.

Role of Social Worker

If a youth in a JCI is summoned to appear in court in another state, the social worker shall:

- Review the court documents to assure that the youth will be continually in custody of authorized representatives of the requesting state.
- Confirm that the youth will be detained in an appropriate facility based on the youth's age.
- Request the juvenile court in which the JCI is located to issue a transport order for the appearance in the requesting state if the court finds the appearance to be legally required and the youth's right appropriately safeguarded.
- If the court in the county where the JCI is located cannot process the request, the committing court should be contacted to issue the transport order.
- Discuss the court appearance with the youth and give the youth a copy of the summons and transport order.
- Contact the requesting state's representatives to confirm when the youth will be picked up and the approximate return date and time.
- Notify the youth's parent or guardian of the youth's out-of-state travel.
- Talk with the youth after her/his return about the court appearance and offer additional services if needed; for example, individual counseling if the court appearance involved re-visiting a traumatic event in the youth's life.

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